

# Compliance Assurance Strategy FY 06-07

*(See also Managing Environmental Compliance and Promoting Environmental Stewardship priorities in the Environmental Quality Branch Strategic Plan FY 02-07 and the Operational Plan FY 06-07)*

## 1. Introduction

### ***Making “Doing the Right Thing” the “Path of Least Resistance”***

**Compliance Assurance Goal:** Maintain and further enhance environmental protection in CT by using permitting, assistance and enforcement resources in an integrated manner to solve the environmental problems identified as priorities.

**Compliance Assurance Objectives:** Achieve the highest level of environmental compliance through predictable, timely and consistent enforcement and effective compliance assistance where appropriate. Identify and reduce significant non-compliance in high priority program areas, while maintaining a strong enforcement presence in all regulatory areas. Promote voluntary compliance within the regulated community where appropriate through education and outreach, incentives and compliance assistance.

**“Smart Enforcement”:** The Department embraces the principles of “Smart Enforcement” in all aspects of its implementation. This approach is comprised of five components that, in combination, lead to a strategic and focused program. These components include:

- addressing significant environmental problems;
- using data to help make strategic decisions for better resource utilization;
- using the most appropriate tool to achieve the best possible outcome;
- assessing the effectiveness of program activities to ensure continuous improvement and desired program performance; and
- effectively communicating the environmental, public health and compliance outcomes of our activities to enhance program effectiveness.

Through our efforts to achieve the overarching goal of environmental compliance, CT DEP and EPA will pursue the following five goals for their enforcement and compliance assistance programs:

- Maintain an adequate compliance monitoring capacity
- Maintain an adequate capacity for enforcement response;
- Maintain communications between CT DEP and EPA;
- Utilize compliance assistance as a compliance tool; and
- Consider crosscutting multi-media activities and planning to supplement programmatic implementation.

The maintenance of communication and coordination between CT DEP and EPA is essential to the success of achieving compliance within Connecticut. Each partner agrees to communicate and coordinate with the other during enforcement proceedings, especially at the preliminary stages when contemplating entering into an enforcement action, and during compliance assistance activities.

According to the national enforcement policy, implementers of programs to enforce the Clean Air Act, the Clean Water Act, the Safe Drinking Water Act, and the Resource Conservation and Recovery Act are required to identify and address significant noncompliers (also called significant violators) to minimize or eliminate risk to human health and the environment. CT DEP commits to (1) undertake targeting strategies and inspection protocols designed to identify significant noncompliance, (2) identify detected significant noncompliers in national enforcement databases, (3) communicate and coordinate with EPA on the enforcement action undertaken in response to the significant noncompliance, and (4) address these identified facilities with enforcement responses sufficient to ensure compliance and recovery of penalties. Monetary penalties recovered should be in accordance with federal and state penalty policies, but in most cases no less than the economic benefit of noncompliance and consideration of an appropriate gravity-based penalty sufficient to deter further noncompliance. The above-referenced goals are pursued by the CT DEP through its Enforcement Response Policy, Enforcement Coordination Plan, Compliance Assurance Policy, Civil Penalty Policy, Supplemental Environmental Projects Policy, and Multimedia and Cross-Training Policy, including a multimedia checklist.

## **2. Highlights of FY 06-07 Making “Doing the Right Thing” the “Path of Least Resistance”**

### **Strong Enforcement**

- Assure consistent application of Department policies and practices resulting in the delivery of timely and predictable enforcement
- Set enforcement priorities through the identification of sectors or geographic areas where there are environmental problems or areas of high non-compliance
- Expand enforcement tools – move forward with administrative civil penalty regulations in pilot areas
- Identify appropriate vehicles to publicize enforcement initiatives and actions

### **Provide Regulatory Certainty, Focus on Environmental Outcomes and Offer Permit Flexibility**

- Enhance managerial capacity in regulatory programs and conduct systems review of specific programs to analyze efficiency and effectiveness: RCRA, NPDES (CT’s pretreatment program), Remediation
- Engage EPA through the PPA planning in identifying permitting priorities and processes which maximize environmental benefit and permit flexibility – in particular, with regard to the NPDES program
- Continue to develop General Permits and monitor compliance to bring a far greater number of the regulated community into compliance with regulatory requirements in the following areas: solid waste transfer stations; new categories of coastal structures,

dredging fill and tidal wetland activities; diversion of remediation of groundwater; consumptive diversion general permit for water supply interconnections; and process wastewater discharges from construction related activities (cement manufacturing, sand & gravel, quarry and blasting).

- Engage in the development of meaningful environmental measures which can inform and drive permitting priorities, processes and flexibility
- Publish regulatory interpretations of general interest on the internet, beginning with RSR interpretations.

### **Environmental Justice**

- Enhance legal notice language, identify and utilize more effective mechanisms for notices per the model multi-cultural public participation workgroup
- Identify as enforcement priorities those sectors or geographic areas that would benefit environmental justice communities
- Enhance access to and participation in Department grants by Environmental Justice communities

### **E-Government**

- Establish a workgroup which includes the regulated community to prioritize and identify potential mechanisms to achieve electronic information sharing between and among the regulated community, DEP and EPA

## **3. Planning and Pursuit of Enforcement Priorities**

The Department utilizes a problem solving approach that defines the issues/environmental needs upfront, outlines the compliance tools that will be applied and the measures that will be used in an effective way to evaluate compliance and an efficient way to communicate measurable environmental and performance results. An analysis of compliance patterns and rates, environmental data, EPA national program guidance and EPA Region I identified strategic priorities is conducted across the Department's compliance programs to identify sectors or geographic areas where there are environmental problems or areas of high noncompliance that need to be addressed. Available permitting, assistance and enforcement tools are then evaluated to determine the appropriate application and integration of tools to resolve the problem. To the extent possible, the Department incorporates the EPA guidance into inspection targeting and formally negotiates with EPA on the use of federal funds to meet mutually agreeable objectives through planned inspections.

The Office of Enforcement Policy and Coordination convenes enforcement, permitting and assistance managers on a monthly basis as part of the recently re-established Enforcement/Compliance Management Committee to assist in planning, coordinating and targeting inspections and compliance initiatives across the Air, Water and Waste Management Bureaus. In addition, DEP media enforcement programs meet individually on a monthly basis along with EPA and the Attorney General's Office to review tracking of existing enforcement cases, review inspection targets and to discuss proposed enforcement actions and make decisions in coordinating which agency is best suited to take the lead on a new case. PCB, Pesticides and UST Program staff discuss cases and other timely issues with EPA staff on a frequent basis as pertinent issues arise. The State

will work with EPA on necessary enforcement issues and will continue to seek feedback from EPA on issues and priorities of particular concern and work cooperatively to address them. In addition, the Department will continue to attend and participate in the monthly conference calls and quarterly EPA/NE States enforcement/compliance management meetings.

#### **A. Compliance Monitoring/Inspection Targeting**

##### **Air Management Bureau**

###### ***Permit Priorities***

Permitting efforts are driven by applications received. The Air program has been able to keep pace with the incoming applications and anticipates it will be able to continue to do so through the FY06 and FY07 period. Title V permit renewal reviews will focus on compliance assurance monitoring (CAM) and maximum achievable control technology (MACT) for standards promulgated between permit cycles. Incorporation of CAM and MACT into Title V permits will strengthen permit enforceability, monitoring protocols, and source compliance. The New Source Review program will continue to perform top-down best available control technology (BACT) reviews and ensure they are memorialized in the RACT/BACT/LAER Clearinghouse. DEP is committed to the Clearinghouse and realizes an up-to-date comprehensive database of nationwide decisions is essential to lower emissions that in turn drives technology. As appropriate, permit modifications and revisions will continue to eliminate unnecessary conditions and streamlining so that permittees and compliance efforts focus on what is important to doing the right thing.

###### ***Title V and GPLPE***

The owners and operators of Title V and General Permit to Limit Potential to Emit (GPLPE) sources are responsible for the largest air pollution emitting facilities in the State of Connecticut, so compliance assurance will continue to focus on these sectors. The workplan for FY06 and FY07 not only focuses on meeting inspection targets, but also in assuring that the regulated community sees that compliance and going beyond compliance is the path of least resistance. Providing compliance assistance through fact sheets, guidance, instructions and reporting forms on the Department website makes doing the right thing clear and easy to understand. All Title V and GPLPE reporting submissions are reviewed by staff for inconsistencies, errors, and violations, and this effort enhances traditional inspections and more robust full compliance evaluations and any subsequent enforcement actions.

###### ***Stage I and II***

VOC and HAPs emissions from all anthropogenic sources in Connecticut amount to approximately 362 tons per day. If gasoline handling and fueling were not controlled, that number would rise to approximately 401 tons per day. Therefore maintaining high rule effectiveness/compliance rates with the tanker tightness requirements, fuel handling and delivery, Stage I, and Stage II controls are key to reducing Connecticut's daily VOC loading by 10 % or 39 tons per day. To assess compliance throughout the fuel storage/delivery/filling process, DEP will continue to check gasoline delivery vehicle vapor tightness testing markings, observe Stage I filling procedures, observe Stage II testing, and perform inspections of Stage II

systems on an annual basis in SW Connecticut and bi-annually for the remainder of the State under an agreement with the Department of Consumer Protection

Based on Massachusetts's experience, the transport vehicles which move fuel supplies throughout the state are a potentially significant source of fugitive VOC emissions. To assess whether a similar problem exists in Connecticut, under this PPA, Connecticut is requesting that EPA provide assistance in executing a series of inspections. Connecticut will need specific assistance in safety/ OSHA compliance and training, instrument loan and training, and targeting. This effort will be planned for spring of 2006 or spring 2007 depending on availability of EPA resources to assist the state.

To expedite achieving reductions under the portable gas container rule, the agency plans to incorporate into its consumer education/ "pogo" theme an effort focusing on educating the public to encourage the purchase of new gas cans and will inspect 100 retail establishments to assure non-compliant cans are not being sold.

#### ***Another Key VOC Reduction Strategy—Solvent Reductions***

Based on the 2002 Inventory work effort, approximately 10% of the Connecticut VOC emissions come from solvents and consumer products. To achieve VOC reductions from this sector, the DEP is committing to update Section 22a-174-20(1) of the Regulations of Connecticut State Agencies incorporating the EPA recommended solvent vapor pressure standard. Upon proposal of the new requirement, an education/outreach effort will occur followed by strong enforcement upon adoption.

#### ***Mercury Reductions***

Based on the 2004 NESCAUM mercury inventory, the most significant source of mercury in Connecticut is Municipal Waste Combustors (MWC). Commensurate with the New England Governor's Mercury Action Plan, we are working to reduce mercury emissions by 75% from the 1998 base year by 2010. Compliance assurance activities support this by assessing the mercury stack testing done at both MWCs and Sewage Sludge Incinerators (SSI) on an annual basis. MWC mercury emissions have been reduced by over 90%. However, due to the nature of the emission stream from the sewage sludge incinerators mercury controls that have proven effective on coal burning plants are not effective on the sludge incinerators. DEP is continuing to work with one incinerator, pursuant to requirements of a supplemental environmental project (SEP) following an enforcement action, to explore the possible technologies available for reducing mercury emissions from these types of sources. We are also partnering with EPA's environmental technology verification (ETV) program to evaluate mercury CEMs that are critical to improved assessment of mercury emissions.

#### ***PM Reductions***

Since Connecticut has already reduced SOx emissions from power plants and dedicates compliance assurance resources to the 22a-174-19a program, based on an analysis of the MARAMA PM2.5 inventory, the greatest environmental benefit from CT PM reductions appears to be from the heating oil and wood burning inventories. Consequently, our compliance focus will expand beyond the existing SOx regulation

and opacity compliance assurance to include strict open burning enforcement and trying to effectively control OWFs. However, effective control of OWFs requires EPA to develop a program to adopt both a testing protocol as well as an emission limit. This should entail taking into account the real world fuel use, burning cycles, and typical year-round usage that typifies the OWF installation.

EPA's new Motor Vehicle Diesel Fuel rule requires assuring compliance at both the refinery and distribution levels. The State will be relying on EPA for assuring refinery compliance and as requested by US EPA, the DEP will attempt to conduct limited sampling of fuel for on road engines to assess sulfur in the event that US EPA is able to provide training and materials for properly collecting, labeling, transporting and shipping such samples to the US EPA designated laboratory for analysis. However, the Department continues to believe the best approach for conducting a reasonable compliance assessment and creating a level playing field with a certainty of environmental benefit is to minimize and standardize the sulfur content of such multi-purpose distillate fuels. This will avoid problems with residual fuels contaminating cleaner fuels thereby making doing the right thing the path of least resistance for the regulated community.

#### ***NSR/PSD Compliance - Regulatory Certainty***

For Connecticut to attain the ozone NAAQS, upwind states need to significantly reduce emissions. One way we assure this is done is to participate in litigation to assure upwind sources comply with Clean Air Act requirements including New Source Review (NSR), Prevention of Significant Deterioration (PSD). This ensures the maintenance of a level inter-state playing field for the regulated community and public. This effort will continue in FY06 and FY07.

#### ***Diesel Emission Reductions- Focus on Environmental Outcome***

Upon closer evaluation, the Air Bureau staff has recognized that traditional enforcement tools, although the cornerstone of the compliance assurance efforts, are not always as effective as compliance assistance strategies. Reducing idling is a key diesel emissions reduction strategy and provides NOx benefits as well. Significant education/outreach efforts are ongoing with schools and DOT. In addition to the outreach/education efforts, we continue to explore the potential for wider infraction authority as the most effective enforcement tool. The outcome of the Diesel planning effort will guide resource allocation in FY06 and FY07, but while the plan is being developed DEP will pursue disseminating information on idling to Connecticut-based businesses through associations such as the Connecticut Motor Carrier Association and Motor Transport Association of Connecticut to educate their members on Connecticut's idling regulation.

#### ***Sandblasting and Sand Operations analysis***

Abrasive blasting and sandings are often used as methods to remove old paint and prep surfaces for new coatings. These activities create large amounts of dust and the paint being removed is often times lead-based. The expended paint materials may be categorized as hazardous material and, as a result, the fugitive, lead contaminated emissions may pose a health hazard to those in the vicinity of the activity. Lead-contaminated dust, soil and paint chips, in particular, are the primary sources of lead exposure for children. In FY 06 the Department will analyze the problems

associated with sandblasting and the regulatory framework available to address the problems. Appropriate compliance assurance tools and enforcement protocols and strategies will be developed and identified to address the problem.

## **Water Management Bureau**

### ***General***

During the FFY 06-07 period, the Water Management Bureau will deviate from its commitment to inspect 100% of all NPDES majors and 80% of the Significant Industrial Users. Inspection resources will be redirected in part based on recent compliance rate statistics to those activities determined to have a greater potential for causing pollution. There are three main reasons for modifying our inspection commitment:

- 1) over the last several years, certain facilities have maintained an excellent compliance record;
- 2) due to budget constraints, the Bureau has been unable to refill a vacant position; and
- 3) other program areas, such as stormwater, CAFOs and general permit compliance are emerging as high priority areas in need of attention.

***No less than 50% of NPDES Majors and 50 % of Significant Industrial Users will be inspected annually.***

### ***NPDES-Majors***

Defer inspections for the following reasons:

- Permit has been reissued within the previous year with a detailed review by the permits and toxicity staff, and there is a high level of confidence by Permits/Compliance staff in anticipated compliance.
- Permit was not reissued within the previous year but all of the following criteria are met:
  1. maintained a good DMR record for the last year;
  2. no NOVs were issued within the previous 2 years;
  3. large amount of dilution;
  4. low level of toxicity;
  5. high level of compliance confidence from Permits/Compliance staff; and
  6. no present enforcement actions (with exception of permit/order).

### ***Significant Industrial Users***

Defer inspections for the following reasons:

- Permit has been reissued within the previous year with a detailed review by the permit staff, and there is a high level of confidence by Permits/Compliance staff in anticipated compliance.
- Permit was not been reissued within the previous year, but all of the following criteria are met:

1. maintained a good DMR record for the last year;
2. no NOV's were issued within the previous 2 years;
3. no present problems at the receiving POTW due to non-sewage contaminants;
4. no present enforcement actions (with exception of permit/order); and
5. discharges small volume compared with dilution available in POTW.

Target inspections of the following facilities:

- The CT DEP Water Management Bureau proposes several compliance initiatives for FY 06-07. Specific attention will be directed toward compliance assurance of the swimming pool general permit related to swimming pool maintenance activities and for the following targeted industries with the worst storm water monitoring results for that category: auto salvage/junkyard operations (9), marina/boatyard or boat building (15), and construction related industries (5) (i.e. cement/concrete manufacturing, sand and gravel operations, quarrying/blasting, etc.).
- Facilities known or suspected to have highly toxic stormwater discharges to small streams or other critical watersheds.
- Construction sites known or suspected to be significant sources of erosion.
- Agricultural sites known or suspected to have potential for runoff problems containing significant levels of nutrients or human health related contaminants.
- Facilities with poor compliance records in the last two years.

DEP tracks and reports in the Bureau of Water Management Quarterly Permit and Enforcement Report program elements, which include: stormwater inspections, CAFO inspections, general permit compliance audits, NOV's and formal enforcement actions.

Inspection results from last fiscal year will be used to assist targeting inspections for this fiscal year. Deferral of an inspection of a particular facility will only occur for one year.

## **Waste Management Bureau**

### **Waste Engineering and Enforcement Division**

This document summarizes projected Federal Fiscal Year 2006 (FY'06-07) compliance activities for the RCRA Hazardous Waste Program in Connecticut. The Department of Environmental Protection (DEP) will continue to address the EPA RCRA National inspection goals of 20% large quantity generators (LQG) inspected, 50% non-commercial Treatment and Storage Facilities (TSF) inspected, 100% commercial TSFs inspected for a total of 175-250 inspections. DEP will incorporate the Waste Bureau's Strategic Plan Priorities for Materials Management and the Commissioner's Agency themes into the FY'06-07 inspection strategy. DEP also proposes to conduct compliance assistance at selected industries to further safe waste management and to implement initiatives to improve inspection visibility and efficiency.



### ***Significant Non-Compliance Inspection Focus***

Compliance inspections will focus on areas of high potential for significant non-compliance such as the manifest database initiative, inspection of auto recyclers, furniture finishers/refinishers/strippers (FFRS) and seasonal reinspection sites. A review of the manifest database locates hazardous waste generators operating out of their notified status. Over the past five years over 60% of these sites inspected have resulted in formal enforcement actions. Auto recyclers and FFRSs are frequently found to be out of compliance with hazardous waste regulations. In 2004 DEP conducted an auto recycling compliance forum that was funded through a supplemental environmental project. Only 50 auto recyclers out of approximately 102 registered auto recyclers attended this forum. DEP proposes to inspect auto recyclers that did not attend the forum. In recent years multiple FFRSs have been issued enforcement actions. This sector is also proposed to be inspected in FY'06. As a result of the small quantity generator summer indicator survey in 2005, several sites were designated by seasonal inspectors for a full RCRA inspection because of the high potential for violations. These sites will also be inspected in FY'06. All the above activities contribute toward EPA's goal of inspecting 20% of the hazardous waste generator universe per year.

### ***Compliance Assistance Efforts***

In FY'06, DEP will provide RCRA compliance assistance outreach, audits, and training to new hazardous waste generators and to the construction and demolition industry. For the most part, new industries coming into the hazardous waste system are small industries that are unfamiliar with the complex RCRA requirements. Outreach materials coupled with an inspector audit and audit report should help these generators achieve full RCRA compliance. The construction and demolition industry generates waste wood products contaminated with lead based paint or chemical residues. Commercial and industrial sites may have process chemicals, oils, cleaning products or other chemical products stored onsite. These products may be classified as hazardous waste or must be shipped to a permitted facility or require special waste disposal. DEP will provide outreach materials to this industry also with the opportunity for a DEP inspector audit, thereby ensuring safe waste management practices in the future. Prior to initiating this assistance all outreach materials will be updated and made current. RCRA training for trade groups and other state group such as the park employees will also be provided. These activities support the Commissioner's theme to "Do the Right Thing".

### ***Increase Enforcement Presence including Multi-Media Inspections in Defined Areas***

Support for safe waste management will be provided by coordinating with the Water Bureau, the Air Bureau and the Underground Storage Tank section of the Waste Bureau. For the Water Bureau, DEP will inspect hazardous waste handlers to ensure safe waste management in aquifer protection areas. For the Underground Tank Program, DEP will inspect hazardous waste handlers that registered as having bare steel underground storage tanks and ensure that these tanks have been removed. Aquifer protection areas and bare steel tank inspections support the Commissioner's theme of "Landscape Stewardship". For the Air Bureau, DEP will inspect major air emitters that are less frequently inspected by the Air Bureau to ensure that their

management of solvents and paint related waste are in compliance with RCRA requirements. These inspections also contribute toward meeting EPA's goals of inspecting 20% of the hazardous waste generator universe per year.

In accordance with the Department's Policy on "Inspecting a Facility Previously Subject to Formal Enforcement Action" dated February 1, 2002, DEP must reinspect a facility not more than three years following closure of a formal enforcement action. Re-inspection of the subject facility is to assure continued compliance with the environmental requirements; DEP will reinspect the sites in FY'06 subject to this policy.

DEP will inspect LQGs that have not been inspected in the past 10 years. This activity will contribute to EPA's goal of inspecting 20% of the LQG universe annually.

Efforts will continue in FY'06 to reduce the number of outstanding violations and enforcement actions. An inspection will be conducted focusing on the violations and areas of concern in an enforcement action. Where possible, enforcement actions will be closed out and if an enforcement action cannot be closed out, a significant number of violations should be removed from the RCRA Information Database. This exercise will once again include outstanding Orders and Notices of Violation and will be limited to RCRA sites.

DEP will continue to inspect Treatment and Storage Facilities (TSFs) in accordance with RCRA National Goals. DEP proposes to conduct detailed focus inspection reviews of Waste Analysis Plans (WAP) and operating records on a rotational basis with one full inspection at commercial hazardous waste facilities. The receipt and shipment of wastes at commercial facilities will be tracked for a full day at selected times during the year, as opposed to a spot check during a traditional hazardous waste inspection. This approach should better evaluate the adherence by the facility to the WAP and determine if the facility is properly classifying and handling its waste streams. Operating non-commercial TSFs will also have a full Compliance Evaluation Inspection conducted. These inspections meet the National RCRA goal of inspecting 100% of the commercial TSFs and 50% of non-commercial TSFs annually.

DEP will conduct inspections of Land Disposal Facilities (LDFs) that are designated as GPRA sites. All LDFs in Connecticut have closed and are under post closure care. In addition to inspection of appropriate generator status, post closure care activities and financial assurance will be evaluated.

### ***Financial Assurance***

As a result of an EPA contractor review of 95 financial assurance mechanisms for RCRA TSDFs, many financial assurance mechanisms were found to be deficient. DEP proposes to conduct detailed record reviews of deficient financial mechanisms to determine the cause of the deficiency and take appropriate follow-up enforcement action as necessary to bring the mechanisms into compliance. This program will assure that facilities have set aside funds in valid mechanisms to insure proper cleanup of releases to the environment is conducted, thereby supporting the Commissioner's theme of "Landscape Stewardship."

### ***Alternative and Innovative Inspections***

DEP continues to evaluate alternate and innovative inspections such as key indicator inspections and partial compliance audits using various electronic data collection devices. Partial compliance audits utilizing seasonal inspectors will continue to be conducted at randomly selected SQG sites. Since inception of this program in 2004, approximately 1,000 of the 1,700 SQG sites in Connecticut have been audited. The vast majority of the sites audited have never been inspected by the Waste Engineering and Enforcement Division. Outreach and informational materials are provided at the time of the audit. An audit report is generated and a copy is sent to the company. These audits should help to establish a more accurate SQG database, provide a DEP presence to this part of the regulated community, provide a “hands on” evaluation of the electronic data collection devices, allow for better allocation of inspection and enforcement resources, assess compliance rates and identify sectors where outreach materials may be necessary.

DEP is proposing to conduct inspections at state permitted (hazardous waste) transporters. The transporter sector has been selected based on the current trend of hazardous waste transporters conducting truck-to-truck transfers, an activity which requires a specific permit under Connecticut law (CGS 22a-454). DEP has received a number of 454 permit applications for this activity; however, many complaint investigations revealed that transporters were conducting regulated truck-to-truck transfers without the appropriate 454 permits. In addition to truck-to-truck transfers, the inspections will target any waste off-loaded from vehicles, storage of waste on vehicles for greater than 72 hours and other potential areas for non-compliance.

Complaint investigations will remain a high priority because of the high proportion of complaints, which result in the identification of violators. The actual number of inspections in this category cannot be predicted accurately. In cases when a full RCRA inspection is conducted, the inspection is reported as an additional inspection and not as a replacement for an inspection scheduled during the year. If fewer complaints than the anticipated number are received during the year, then any unexpended resources will be diverted into additional work on outstanding violation follow-up activity.

As resources allow, non-mandatory inspections will be conducted in order to support environmental and programmatic priorities. Among the categories of inspections or investigations included here are conducting waste and soil sampling as necessary to obtain evidence for case development, sites going or that have gone out of business, referrals from other Divisions, inspections of non-notifiers, title searches and record reviews, and other inspections not specifically identified through the current compliance strategy.

### **Pesticides, PCB, UST**

#### **Pesticides**

It is the goal of the State of Connecticut’s Pesticide Programs to ensure protection of human health and the environment from risks resulting from pesticide manufacture, registration, use, and disposal, while recognizing the benefits that pesticides offer to society. Further, Connecticut’s pesticide management programs seek to: prevent

pollution; reduce risk from pesticides; protect human health, the land, air and water, and both plant and animal non-target species; and show positive human health or environmental results. The Pesticide Program has four program areas supported by federal funds: pesticide enforcement, groundwater protection, worker protection, and applicator certification. The plans for each of the four program areas for FY 2006 are as follows:

#### *Pesticide Enforcement*

The pesticide enforcement program fits well into this theme since assuring compliance and avoiding environmental damage has been a longstanding goal of the program. We also have a compliance assistance program that offers non-enforcement inspections to assist applicators in complying with the variety of pesticide laws. As an incentive, we offer re-certification credit to those individuals who volunteer for these inspections. Connecticut will continue to maintain adequate inspection, compliance monitoring and enforcement capacity to encourage the regulated community and pesticide users to properly produce, store, use and dispose of pesticides. The highest priority for enforcement cases has been, and will continue to be incidents of pesticide misuse that result in environmental damage or human health effects. The next highest priority for enforcement is actions against uncertified applicators. Integrated pest management will continue to be promoted to help decrease the overall use and environmental impact of pesticides. Although Connecticut does not register 25(b) exempt pesticides, marketplace inspections are used to assure that product composition and labeling meets the requirements of the federal rule. Violative labels will be referred to EPA for action, and mechanisms to stop sale on a state level will be explored.

#### *Water Quality Protection*

It has become clear that EPA will not finalize the rule requiring State Management Plans for the regulation of certain pesticides. The pesticides that would have been covered by this rule are all agricultural herbicides most commonly used on corn. The pesticide program will continue to monitor surface and ground water for the presence of these and other pesticides deemed likely to contaminate this resource, concentrating on areas where prior detections have occurred. The results will be evaluated with an eye toward the possibility of the state taking unilateral action to control them if necessary. The pesticide program intends to start monitoring surface water in suburban/urban areas to determine if pesticide runoff from these areas is contaminating these waters. Aquatic application of pesticides is an area of water quality that has been addressed for years by means of a permit program. While this program is not federally mandated, it certainly has a bearing on water quality issues. Invasive plants are frequently referred to as “biological pollution” and aquatic invasives can be counted as some of the worst. The plants are often best controlled with herbicides, but this use must be balanced with the desire to minimize impact to water bodies from the chemicals themselves. In FY 06 the Department plans to update the existing MOU with the state Department of Public Health. This MOU sets out the conditions under which aquatic pesticides will be allowed in areas tributary to public water supply reservoirs. As part of this MOU the Departments may look further into issues with the distribution and dispersal of aquatic herbicides in water. Much work has been done in this area by registrants and universities, so it is possible that these issues might be addressed through a literature search rather than environmental sampling.

### *Worker Protection*

In FY 2006 enforcement for violations of the WPS will be carried out as these violations are discovered and the case merits. Connecticut will continue to implement mechanisms to provide revised Worker Protection Standard (WPS) information to affected parties and to assist affected parties in complying with the WPS requirements. The Pesticide Management Program will also ensure that a mechanism is in place so that those growers wishing to act as trainers are provided with appropriate educational material. Additionally, Pesticide Management Program staff will be prepared to provide information to EPA on WPS provisions that work well when implemented at grower establishments, provisions that are not well understood or are not workable in Connecticut, information obtained from any compliance assistance audits performed, and areas found through this mechanism where compliance should be improved. The new “How to Comply” manual will be distributed to growers during inspections, and mechanisms for more widespread dissemination will be explored as well.

### *Applicator Certification*

The pesticide certification program is a key part of the preventative nature of the pesticide program. By assuring that commercial applicators are competent with respect to their handling of pesticides, we hope to avoid misapplications that harm people or the environment. We are developing a law and regulation examination to give to persons who hold out-of-state certification from states with comparable certification procedures. This will allow us to have greater confidence that the individual not only has adequate knowledge of pesticides and pests, but also of the particular state statutes and regulations that must be followed in Connecticut. The Pesticide Applicator Certification Program will be maintained and, where appropriate, upgraded or modified to ensure competency of certified applicators. Mechanisms will continue in place to monitor training and to ensure coordination between the Pesticide Management Program and training providers. Mechanisms will remain in place to use knowledge gained through inspections and investigations to target modifications to the program. Existing mechanisms to ensure that training providers have information necessary to target training on those topics needing special attention based on the applicant’s knowledge of actual use practices within Connecticut will remain in place. Examinations will be updated as necessary, and mechanisms to validate these exams will be explored and implemented as they become feasible. The state plan for certification will be updated and entered into the website created by EPA for that purpose.

Another of the Commissioner’s environmental themes is landscape stewardship, which will coordinate and focus DEP programs that influence land development and promote conservation of our natural resources. The pesticide program has a role in this theme especially with respect to development of land near agricultural areas for residences. There has been a historic conflict between agricultural operations, including pesticide application, near residential areas, especially new residential areas where the residents are not familiar with agricultural practices. The pesticide program will work with the Department’s coordinator of landscape stewardship to assure that these issues are addressed in new development.

## **PCB**

The PCB Program will continue to provide an inspection field presence as a mechanism to encourage the regulated community to adhere to the applicable PCB laws and regulations, including those pursuant to TSCA. In connection with this effort, a Neutral Selection Scheme (NSS) has been prepared in order to guide the targeting and selection of inspections. The State of Connecticut draws PCB inspection sites primarily from complaints/tips/spill reports and the NSS. In keeping with DEP's Operational Plan as well as EPA Guidance for FY 06-07, the PCB Program will continue to investigate both PCB use violations as well as spills and releases.

For FY 06-07, the DEP expects to conduct 80-120 PCB inspections. The actual number of inspections conducted will depend, in large part, on the complexity and duration of PCB sites and removal work which require review and oversight.

The State shall review the quality and sufficiency of all evidence gathered in the course of any of the inspectional, laboratory and investigative activities performed under the cooperative agreement. The DEP will continue to forward all TSCA violative cases to EPA for possible enforcement. Where evidence reveals a possible violation of Federal law, the State shall immediately forward the information to the EPA Regional Office and provide witnesses for hearings and appearances in court upon request by EPA.

In addition, the PCB Program will continue to pursue state enforcement actions under Connecticut authority for violations of state requirements in accordance with Connecticut's Enforcement Response Policy (ERP).

The PCB Program has undertaken initiatives to proactively remove PCBs from areas which are particularly vulnerable to releases of PCBs. The State and EPA have been in contact on these initiatives to assure that they meet our common goals and protect both human health and the environment. One of these projects involves targeting and, when necessary, removal of PCB-containing electrical equipment from abandoned facilities using SEP funds towards any actual removal activities. The other initiative is to identify schools which have PCBs in their clock timing devices and, again where necessary, perform removals using available SEP funds.

## **Underground Storage Tank**

Connecticut is making several major changes to its programs regulating underground storage tanks (USTs). In the past year, significant improvements have been implemented in several UST program areas including funding, enforcement, response and remediation. Many of these changes have come about as a result of the Department working with a stakeholders group including DEP staff, the Chairman of the UST Clean Up Account Review Board, and representatives of gasoline dealers, large oil companies, attorneys, environmental groups and consultants.

Underground storage tanks were first regulated directly by the Department in the mid 1980s, and they have evolved to include elements of enforcement, assistance, remediation and funding. Very few significant changes have been made to the program over the last 20 years, and in fact those four major program areas have

existed statutorily and by regulation and practice almost as separate programs. The changes were made with three main goals in mind: (1) get USTs into compliance as quickly as possible, through creation of improved enforcement tools, incentives and increased assistance from the DEP, (2) clean up contaminated sites as quickly as possible in accordance with state remediation standards and (3) streamline and improve the funding process.

One of the most controversial aspects of UST regulation is the funding program, which operates as the UST Clean-Up Account Program. Through this program, which was established to help meet federal financial assurance requirements, a portion of the tax on gross receipts on petroleum products is used to provide funding for the remediation of contaminated UST sites. Not only has the program been inadequately funded recently, but the existing statutes establish a process that is too slow, confusing and is not connected clearly enough to the state's remediation goals. As a result, not enough sites are funded, and many of those that receive funding are not being cleaned up with the state's remediation goals in mind. The recently enacted changes establish standardized procedures for reviewing claims, increase deductibles, limit payments for attorneys' fees, eliminate burdensome administrative requirements, tighten loopholes, create incentives for facilities to come into compliance and require periodic compliance reviews as part of continuing funding requests.

Another important change requires that funding be approved only when certain specific milestones have been achieved consistent with the state's remediation goals. As part of this provision, Licensed Environmental Professionals (LEPs) are now authorized to perform much of the technical review of site clean-ups to relieve the DEP staff of some of this burden. LEPs are already licensed by DEP to verify clean-ups of sites under other programs and their involvement in UST sites will help to streamline the process. The department is also in the process of drafting needed changes to the UST compliance regulations that will mirror some of the substantive changes already enacted in the UST Fund statute, including the milestone requirements and the use of LEPs. The new law also establishes a maximum window of time over which a site is eligible for funding, for both new and existing claims. This creates an incentive to complete the clean up as quickly as possible, thereby eliminating extended claims that drag out over many years.

In the area of compliance and assistance, the Department is now authorized to license third parties to perform audits of UST sites for compliance with our rules and to create a "red tag" process whereby UST systems could be disabled from use if certain significant violations are discovered. At the present time the Department's UST staff is only able to inspect a very small fraction of the approximately 4,663 UST sites that exist in Connecticut. New federal law (based on new Energy Bill) after August 8, 2007, will require UST facilities to be inspected every 3 years either by EPA or the state (or a third party certified by the state) and that any UST facility not inspected in the last five years be inspected by August 8, 2007. The ability of the Department to meet the new federal requirements under the new Energy Bill is contingent upon the Department's receipt of additional funding from EPA and the establishment of third party inspection or certification program. Assuming, however, that additional necessary funding is awarded in FY 07, the Department will

need FY 07 to establish a third party certification or inspection process that will entail the adoption of regulations.

## **B. Enforcement Policies and Practices**

- ***Self-Policing Policy*** – Support use of the Department’s Self-Policing Policy to promote voluntary compliance. In FY 06-07, as a result of EPA’s hospital and Health Care Initiative and specific agreements with several CT hospitals to conduct audits in FY 06, the Department anticipates the submission of approximately four self-audit disclosures from major hospitals in Connecticut under CT DEP’s Self-Policing Policy. The Department will coordinate with EPA on the audit responses. The extent State resources are consumed by the audits, EPA and DEP must adjust PPA outputs to reflect and accommodate demands made by the audit submissions (See also *Hospitals/Healthcare compliance assistance* below)
- ***Expand Enforcement Tools*** – Develop and implement pilot administrative civil penalty regulations for the Office of Long Island Sound Programs e.g. structures and dredging, tidal wetlands; Inland Water Resources Division e.g. stream channel encroachment, diversions, dam safety, inland wetlands; and the Pesticides management program. The proposed regulations will provide the Department with an additional formal enforcement tool (i.e., in addition to a consent order or Referral to the Office of Attorney General), which may be used in conjunction with an order if compliance actions are also needed. The penalty regulations are intended to provide an incentive for compliance and predictability. They are intended to improve program efficiency and effectiveness by reducing the time needed to negotiate and settle certain types of administrative enforcement actions

Seek pre-enforcement information gathering authority from the CT General Assembly to provide the Department with the broad administrative authority that EPA has to ask facilities to respond to questions and provide records to aid in the development of enforcement actions. Useful federal models for the proposal are Section 114 of the Clean Air Act, 42 USC 7414, Section 308 of the Clean Water Act, 33 USC 1318, and Section 3007 of RCRA, 42 USC 6927.

- ***Continue Effective and Efficient Enforcement Actions*** - Continue to deliver timely, consistent, predictable enforcement action through the Department’s reliance on the following enforcement policies: Enforcement Response Policy; Civil Penalty Policy; Supplemental Environmental Project Policy; and Compliance Assurance Policy.
- ***Improve the Department’s Field Presence and Introduce Alternative and Innovative Inspections*** in the regulated community to more efficiently and effectively address noncompliance. As part of an Industrial Stormwater General Permit Compliance Initiative the Department will target facilities in the auto recycling, marina and construction sectors that have stormwater monitoring results that demonstrate their discharges to be in excess of discharge goals contained in the general permit. As part of this initiative a multi-media inspection checklist will be developed to incorporate RCRA compliance issues as well as industrial stormwater general permit requirements. Multi-media



inspections will be conducted for the above-referenced sectors and follow-up enforcement action will be taken as necessary.

In addition, the Department will continue its innovative *UST/SQG Compliance Initiative* to strategically increase the Department's field presence in the regulated community to address noncompliance. Interns conduct compliance indicator surveys that cover limited compliance areas that are indicators of overall compliance. The two areas of focus of the initiative are the RCRA small quantity generators and underground storage tanks where additional information is needed to target compliance efforts effectively.

- ***Increase publicity of enforcement efforts*** - Seek additional means such as through trade groups to publicize Department enforcement activities beyond DEP's quarter publication of *Managing Environmental Compliance* Newsletter, press releases and posting case summaries, policies and statistics on the internet.
- ***Coordinate with EPA on EPA's Review of CT's Enforcement Program***
- ***Continue to participate in the New England State-Federal Innovations Workgroup***: NPDES permitting focus on quantifiable environmental results - Work with other New England states and EPA to identify regional priority environmental problem areas that might be strengthened through federal and state collaborative action. Connecticut is particularly interested in promoting innovations in NPDES permitting designed to streamline the process and produce quantifiable environmental results.
- ***Continue participation in EPA's Performance Track program***

#### **C. Cross-media Compliance Assurance Initiatives (See Compliance Assurance Initiative Work Plans 06-07, attached)**

The Department applies an integrated problem solving approach that defines compliance problems up front, outlines the most effective compliance assurance tools to address the problem and identifies the measures that will be used to evaluate compliance and demonstrate environmental and performance improvements as a result of the initiative. For some sectors the Department delivers traditional compliance assistance in the form of outreach and education e.g. guidance materials, workshops and training. For other sectors that have more widespread compliance problems, the Department has developed cross-media compliance assurance initiatives that include a broad range of compliance assurance components including compliance assistance, inspection, compliance assessment, enforcement follow-up and measurable results e.g. compliance rates, environmental benefits.

EPA extended a grant through FY 06 for the Department to continue to develop compliance rates. (See *UST/SQG Compliance Initiative* below.) Compliance rate analysis moves the agency one step away from output measures and towards outcome measures by reflecting behavioral changes within specific industrial sectors or facility types within the regulated community at large. Data reflecting the underlying rate of compliance by sector and facility type will allow the Department to make better, more effective use of existing resources.

The following are sectors where the Department has developed cross-media broader compliance assurance initiatives to address compliance problems. Each compliance initiative is comprised of multiple phases. The following initiatives will be pursued in FY 2006 and FY 2007.

***Auto Recycling Industry Compliance Initiative:*** In FY 2004-2005, the Department began a coordinated compliance assistance initiative aimed at improving the environmental compliance of the Auto Recycling Industry. The first phase of the initiative the compliance initiative included a compliance assistance component while the next phase of the initiative in FY 2006-2007 will be comprised of a compliance assessment, inspections and, if necessary, follow-up enforcement. It will also include the development of performance measures e.g. compliance rates, environmental improvements. (See also Industrial Stormwater General Permit Compliance Initiative below as well as RCRA compliance monitoring discussion above targeted at the auto recycling industry)

As part of the compliance assistance effort, the Department developed an environmental compliance guide specifically tailored for the auto recycling industry. The compliance guide was developed in coordination with the Automobile Recyclers Association to ensure that it would meet the information needs of the auto recycling industry. The guide includes items such as a template for a Stormwater Pollution Prevention Plan specific to auto recycling operations and guidance on the proper handling of vehicle fluids.

The Department's compliance education and outreach efforts included a four-part training program hosted by the Department. Each of the four training sessions focused on different regulatory topics, including hazardous waste identification and determination of operating status, proper management of hazardous waste and used oil, stormwater general permit requirements including development of a Stormwater Pollution Prevention Plan, responding to spills and best management practices for operation of vehicle crushers. The four training sessions, held from January 2004 through September 2004, were well received by auto recyclers in the state.

During FY 2006 and 2007, the Department will assess the effectiveness of the compliance assistance through analysis of auto recycler responses to a voluntary survey and will conduct targeted inspections multi-media inspections.

***CT's Clean Marina Certification Program:*** Connecticut's Clean Marina Program is a voluntary program that encourages inland and coastal marina operators to minimize pollution by certifying as "Clean Marinas" those marinas, boatyards, and yacht clubs that operate at environmental standards above and beyond regulatory compliance. Using "green marketing" as an incentive, the program encourages pollution prevention in seven categories of marina operation: mechanical activities, painting and fiberglass repair, hauling and storing boats, fueling, emergency planning, facility management, and boater education. This certification program will continue in FY 06-07. In addition, in FY 06-07 the Department will also pursue an enforcement presence through increased multi-media inspections of the marina sector. (See *Industrial Stormwater General Permit Compliance Initiative* below as well as RCRA compliance monitoring discussion above targeted at the marina sector.)

After working with the state's marina industry for over a year to develop the CT Clean Marina Guidebook and subsequent Clean Marina operations checklists, the DEP introduced the program to the state's 350 marina operators by hosting five Informational Sessions about the Clean Marina Program in Greenwich, Old Lyme, Essex, Groton and Brookfield. About 50 people participated in the workshops. In the first year of implementation of the program, DEP certified 5 marinas, and an additional 27 facilities have taken a pledge to become certified within one year.

Clean Marina certification is based on a self-assessment that is field-verified by DEP staff. Certified marinas must demonstrate that they are not only in compliance with all applicable environmental laws, regulations, and permits, but that they also meet 90% of the certification criteria applicable to their facility in the seven categories of operation. The Clean Marina certification criteria span a cross-section of marina operation, from taking measures to reduce drips and spills at the fuel dock and when performing boat maintenance, to keeping paint scrapings and sanding dust off the ground and out of the air at marinas, and from reducing overspray when spray painting boats to providing for the proper disposal of human and pet waste at a facility.

***Industrial Stormwater General Permit Compliance Initiative:*** Stormwater runoff from non-point sources of pollution and discharges have an adverse impact upon water quality and aquatic habitat. Mitigating sedimentation, erosion, and pollutants associated with stormwater runoff from impervious areas is a great challenge that the Department faces. As a result, the Department is continuing its efforts to improve compliance with its General Permit for the Discharge of Stormwater Associated with Industrial Activity ("industrial stormwater general permit"). In FY06-07 the Department will target facilities in the auto recycling, marina and construction sectors that have stormwater monitoring results that demonstrate their discharges to be in excess of discharge goals contained in the general permit. The universe of potential facilities will be assessed and baseline data will be evaluated, performance measures will be developed, a checklist for inspections will be refined to incorporate RCRA compliance issues as well as industrial stormwater general permit requirements, multi-media inspections will be conducted for the above-referenced sectors and follow-up enforcement action will be taken as necessary.

The compliance initiative will build upon previous FY 04-05 Department efforts whereby the Department provided compliance assistance to industrial stormwater general permit holders that substantially exceeded pollutant levels. The Department assisted those facilities in evaluating their stormwater pollution prevention plans and inspection procedures. Some sites were inspected to identify potential sources of stormwater pollution and to help determine whether improvements may be made through modifications. In addition, in FY 06-07 the Department will also be taking into account and assessing compliance in the auto salvage and marina sector with regard to the previous compliance assistance that was performed by the Department for those two sectors. (See *Auto Recycling Industry Compliance Initiative* and *CT Clean Marina Certification Program* above.)

***UST/RCRA Compliance Initiative:*** During FY 04-05 the Department implemented an innovative inspection initiative to strategically increase the Department's field presence in the regulated community to address noncompliance. For FY 2006-2007 the Department plans to assess the two years of data collected as a result of the site surveys as well as continue inspections for at least another year. The data collected will provide valuable information to analyze the rates of compliance and environmental results as well as assist in identifying where the Department can more effectively focus inspection and compliance assistance resources in the future. Part of this initiative is funded through an EPA grant to develop compliance rates.

The two areas of focus were the Resource Conservation and Recovery Act ("RCRA") and Underground Storage Tank ("UST") Programs of the Bureau of Waste Management where additional information was needed to target compliance efforts effectively. The RCRA program, for example, primarily prioritizes its inspection resources on inspecting treatment, storage and disposal facilities and large quantity generators while the large numbers of small quantity generators are deemed a lower inspection priority. In previous years, the RCRA program inspected about 20 small quantity generators out of a universe of 1720.

The Department used compliance indicator surveys that were designed to cover limited compliance areas that are indicators of overall compliance. The compliance indicator surveys were conducted at randomly selected small quantity generators of hazardous waste and facilities with underground storage tank systems that failed to meet the 1998 deadline for removal or upgrade of non-compliant tank systems as well as those located in aquifer protection areas. In a period of approximately 10 weeks, 636 small quantity generators and 624 UST facilities were surveyed. Sites that were found in significant non-compliance were flagged for full inspection by program staff.

The benefits realized from continued implementation of the initiative include an increased field presence, the ability to screen sites for full inspections, the development of statistically valid compliance rates and measures, identification of areas where additional compliance assistance is needed as well as identification of where enforcement action for RCRA and UST violations is necessary.

### ***Mercury Action***

The Department continues its efforts to eliminate the discharge of anthropogenic mercury to the environment including efforts to implement many of the provisions of

the Mercury Reduction and Education Act (Public Act 02-90) as well as development of other regulatory measures aimed at minimizing mercury emissions. Efforts for FY 06-07 include the following:

***Dental mercury:*** The Department in partnership with the Connecticut State Dental Association and Wastewater Treatment Facilities Operators finalized Best Management Practices (BMP) for Dental Offices Waste Handling in Connecticut in October 2003. This was done as part of an effort to help dental practitioners and dental schools meet the requirements of the Mercury Reduction and Education Act. Among other requirements, a primary component of the BMPs is the installation of an amalgam separator to trap and remove mercury amalgam at the dental practice. Amalgam separators are required to meet the ISO 11143 standards with a mercury amalgam removal rate of 95% or higher. The department has initiated a program requiring dental practitioners to certify that they are in compliance with the dental amalgam BMPs, especially the installation of amalgam separators that meet the ISO 11143 standards.

To date, more than 70% of dental practitioners have either certified that they have complied with the dental amalgam BMPs, including the installation of amalgam separators, or that they do not use amalgam in their practice. In FY 06-07 the Department will be conducting follow-up activities to further assure compliance with the dental provisions of the Mercury Reduction and Education Act.

***Phase-out of certain mercury containing products:*** According to the Mercury Reduction and Education Act, effective July 1, 2004, the sale or distribution of mercury-added products containing more than one gram or 250 parts per million of mercury is prohibited, unless the product is specifically exempted from the statutory phase-out requirements. In FY 06-07 there will be an assessment of compliance of the manufacturers subject to the phase-out requirements for the sale or distribution of mercury-added products. Compliance assistance will be provided through the distribution of phase-out alert notices and guidance on meeting statutory obligations. Follow-up enforcement response will be pursued as appropriate for non-responsive manufacturers and non-compliant manufacturers. Measures will be developed to report compliance assistance activities, compliance rate of impacted manufacturers, enforcements activities and estimated environmental improvements.

***Limiting Mercury Emissions*** (See section 3.A.above, Compliance Monitoring/Inspection Targeting, Air Quality Management Bureau)

In FY 06-07 the Department will continue to deliver compliance assistance to a number of sectors in the following areas:

- ***Dry Cleaners*** - In coordination with the Korean-American Dry Cleaning Association the Department will utilize information gleaned from developed guidance manual and sponsored training workshops to develop performance measures and continue to update information to web site as necessary.
- ***Vehicle service industry*** - The Department has developed Pit Stop guidance manuals and held numerous training sessions for the vehicle service industry and partnered with the Department of Motor Vehicles to distribute guidance and

collect compliance data. These efforts will along with measures development will continue in FY 06-07.

- ***Schools*** – The Department will continue to provide outreach to schools through the High Performance Schools Initiative with the Connecticut Green Building Council and co-sponsors training on building or renovating schools to meet the high performance standards.
- ***Hospitals/Healthcare*** - As a member of the Connecticut Hospital Environmental Round Table that includes CT DEP, Hartford Hospital and Hospitals for a Healthy Environment (H2E), the Department will co-sponsored two workshops for hospitals focusing on environmental compliance and pollution prevention. In addition, quarterly meetings are held for the Department to assist hospitals in identifying waste reduction and pollution prevention opportunities.
- ***Organic Lawn Care*** – In conjunction with one of the specific recommendations of the Climate Change Action Plan, promote awareness of organic land care practices and their environmental benefits. The Department in partnership with the CT Northeast Organic Farmers Association is interested in identifying a municipality interested in doing a pilot project to demonstrate alternative/organic land care methods on a school or municipal recreation field and measure the reduction in the amount of chemicals of concern used and reduction of greenhouse gas emissions from chemical fertilizers.
- ***Greening DEP*** – Act as a model for others by incorporating sustainable practices and principles into the Department’s operations. The Department will continue efforts to reduce waste, increase recycling and encourage the use of environmentally preferable purchasing and source reduction.
- ***Climate Change*** - The Department continues its efforts, along with other members of the Governor’s Steering Committee on Climate Change, to implement the prioritized recommendations of the *CT Climate Change Action Plan 2005*. Implementation of the recommendations will put CT on target to reduce green house gas emissions to 1990 levels by 2010 and to 10% below 1990 levels by 2020, as set forth by the New England Governors and Eastern Canadian Premiers in 2001 and adopted by state law in 2004. Efforts for FY 06-07 include the following: *Climate Change Education Committee* – promotes awareness in CT of climate change impacts and solutions; *Climate Change Seminars for Insurance & Financial Sector* – series of workshops to help CT insurance and financial services industry understand climate change risks and opportunities.
- ***Green “Less-Toxic” Cleaning*** – Education and outreach program to increase the use of environmentally preferable cleaning products for the home.

**For additional compliance assistance efforts of the Department’s Air Management Bureau, Water Management Bureau and Waste Management Bureau see Section A, above, *Compliance Monitoring /Inspection Targeting* as well as the *Environmental Quality Branch Operational Plan for FY 06-07*.**



STATE OF CONNECTICUT  
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# **Compliance Assurance Initiative Work Plans**

## **FY 06-07**

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Project Descriptors	Auto Recyclers
<b>Project Summary</b>	A compliance assurance initiative consisting of collection of baseline compliance data through use of a voluntary questionnaire, development of a guidance manual, a four-part training program, a follow-up questionnaire and targeted inspections and, if necessary follow-up enforcement.
<b>ENVIRONMENTAL FOOTPRINT</b>	
Approximate # facilities	≈125
Typical facility characteristics	Under 20 employees, owner operated
Typical environmental sophistication	Low
Environmental concerns	<ul style="list-style-type: none"> <li>• Vehicle fluids discharged to the ground</li> <li>• Hazardous waste management</li> <li>• Stormwater management</li> </ul>
Current Compliance Status	<ul style="list-style-type: none"> <li>• Wide range of compliance from very low to good</li> </ul>
<b>VALID MEASUREMENT SYSTEM SUFFICIENT TO DRAW CONCLUSIONS ABOUT COMPLIANCE AND ENVIRONMENTAL PERFORMANCE OF THE SECTOR AS A WHOLE</b>	
Performance Measures	<ul style="list-style-type: none"> <li>• number attending training sessions</li> <li>• % improvement in performance from baseline</li> <li>• compliance rates</li> <li>• number of inspections</li> <li>• enforcement actions taken</li> <li>• environmental results</li> </ul>
How performance measured	<ul style="list-style-type: none"> <li>• Baseline performance assessed through voluntary compliance questionnaire - 50 responses received</li> <li>• Following compliance assistance phase, a second questionnaire was sent to the auto recyclers who attended the training</li> <li>• A contractor has been hired through an EPA grant to analyze the baseline questionnaire data and the data from the second questionnaire</li> <li>• Random multi-media inspections will be conducted to assess compliance</li> </ul>
FFY 06-07 PLANNED MEASUREMENT and REPORTING ACTIVITIES	<ul style="list-style-type: none"> <li>• Review results of random inspections</li> <li>• Assess environmental results</li> <li>• # of enforcement actions taken</li> <li>• # of inspections</li> <li>• Determine compliance rates for surveys and multi-media inspections</li> </ul>

<b>Project Descriptors</b>	<b>Auto Recyclers</b>
<b>COMPLIANCE ASSISTANCE SUFFICIENT TO ENABLE FACILITIES TO UNDERSTAND THEIR ENVIRONMENTAL RESPONSIBILITIES</b>	
Description of Sector Compliance Assistance Activities	<ul style="list-style-type: none"> <li>• Development of guidance manual (mailed to all known auto recyclers in the state and made available on the web)</li> <li>• Four unique training sessions covering topics from manual but with more detail</li> <li>• Worked with Connecticut Auto Recyclers Association</li> </ul>
<b>COMPLIANCE ASSURANCE ACTIVITIES</b>	
Targeted Inspections	<ul style="list-style-type: none"> <li>• Conduct inspections and take appropriate enforcement</li> <li>• Respond to complaints</li> </ul>
FFY 06-07 PLANNED COMPLIANCE ASSURANCE ACTIVITIES and REPORT on ACTUAL COMPLIANCE ASSURANCE ACTIVITIES	<ul style="list-style-type: none"> <li>• Targeted Inspections (estimate)</li> <li>• ____ Enforcement actions</li> </ul>

Project Descriptors	Clean Marina Certification Program
<b>Project Summary</b>	A voluntary certification program that encourages marinas to operate at environmental standards above and beyond regulatory compliance and promotes pollution prevention for seven categories of marina operation including mechanical activities, painting and fiber glass repair, hauling and storing boats, fueling, emergency planning, facility management and boater education.
<b>ENVIRONMENTAL FOOTPRINT</b>	
Approximate # facilities	285
Typical facility characteristics	Marinas and Boatyards providing marine services to the public including dockage, storage, repair services, fueling, pumpouts, bottom and topside painting, and other services associated with recreational boating in Long Island Sound.
Typical environmental sophistication	Medium/Low to Medium
Environmental concerns	<ul style="list-style-type: none"> <li>• Hazardous, non-hazardous, and State regulated waste management</li> <li>• Illegal Discharges to groundwater, septic, sewer or surface water</li> <li>• Nonpoint pollution sources</li> <li>• Pollution associated with the following marine activities: mechanical repairs, painting and fiberglassing, hauling/storing marine vessels, vessel operation and fueling operations.</li> <li>• Proper Emergency Planning</li> <li>• Proper Documentation and Registration of Underground and Aboveground Storage Tanks</li> </ul>
Current Compliance Status	<ul style="list-style-type: none"> <li>• Currently 5 marinas are Certified CT Clean Marinas with 3 facilities re-certifying on an annual basis and 2 marinas scheduled for their first re-certification inspections this Fall. There are also 27 marinas who have taken the CT Clean Marina Pledge and are actively pursuing CT Clean Marina Status.</li> </ul>
<b>VALID MEASUREMENT SYSTEM SUFFICIENT TO DRAW CONCLUSIONS ABOUT COMPLIANCE AND ENVIRONMENTAL PERFORMANCE OF THE SECTOR AS A WHOLE</b>	
Performance Measures	<ul style="list-style-type: none"> <li>• Environmental improvements as a result of certification process</li> <li>• Attendance at Clean Marina Workshops</li> <li>• Amount of Certified Marinas</li> <li>• Number of Pledged Marinas</li> <li>• Requests for Clean Marina Guidebooks</li> <li>• Number of Certification, re-Certification and Informal assistance visits requested</li> <li>• Amount of new Pledges</li> </ul>
Performance Targets	<ul style="list-style-type: none"> <li>• To certify 57 marinas by 2008</li> </ul>
MOST RECENT PERFORMANCE DATA	<ul style="list-style-type: none"> <li>• Successful re-certification visits to three CT Clean Marinas (two more re-certification visits scheduled for upcoming Fall Season).</li> <li>• 22 pledge renewals so far this year</li> <li>• Numerous informal visits to marine establishments</li> </ul>

<b>Project Descriptors</b>	<b>Clean Marina Certification Program</b>
<b>SELF CERTIFICATION/REPORTING WITH RETURN TO COMPLIANCE PLANS (as needed)</b>	
Contents (e.g. multi vs single media, what included)	<ul style="list-style-type: none"> <li>multi-media checklist (Bureau of Waste Management, Bureau of Water Management, Bureau of Air Management, Office of Long Island Sound Program's Coastal Planning, Technical Services, Permitting &amp; Enforcement, and Clean Vessel Act Program Divisions, &amp; the CT DEP Boating Division )</li> </ul>
Frequency	Annually
Who signs (eg owner, third party, etc.)	Company owner
Voluntary or Mandatory	Voluntary
Certification Activities	<ul style="list-style-type: none"> <li>- 5 marinas have been certified and 27 marinas have pledged to become "Clean Marinas"</li> <li>- Clean Marina Verification visit</li> <li>- Contact permitting and enforcement throughout Department to verify open permits or pending enforcement activities</li> <li>- Pre-certification informal visits</li> <li>- Pursue necessary followup to verification visits</li> </ul>
<b>COMPLIANCE ASSISTANCE SUFFICIENT TO ENABLE FACILITIES TO UNDERSTAND THEIR ENVIRONMENTAL RESPONSIBILITIES AND COMPLETE THEIR SELF CERTIFICATIONS</b>	
Description of Sector Compliance Assistance Activities	<ul style="list-style-type: none"> <li>Worked with marina industry to develop guidebook and checklists.</li> <li>Hosted five informational sessions introducing the program and requirements- 50 participants</li> </ul>
FFY 06-07 PLANNED COMPLIANCE ASSISTANCE ACTIVITIES	<ul style="list-style-type: none"> <li>Outreach displays &amp; exhibits at events taking place at The Bridgeport Aquaculture School, Norwalk Town Hall, Stamford Government Center.</li> <li>Outreach displays &amp; exhibits at the following events: The Norwalk Boat Show, The CT Harbor Management Association's Annual Meeting, CT Marine Trades Association's Annual Environmental Meeting, and the Hartford Boat Show.</li> <li>Host Clean Marina Compliance Workshops in various locations throughout the state including coastal towns, the Connecticut River, and Candlewood Lake based around marine industry's schedule.</li> <li>Schedule informal site visits to marinas actively pursuing Clean Marina Status and upon request of marina owners and operators.</li> <li>Frequently contact pledged facilities by phone, email, or mailings about outreach assistance.</li> </ul>

Project Descriptors	Clean Marina Certification Program
<b>COMPLIANCE ASSURANCE ACTIVITIES</b>	
Certification Compliance	<ul style="list-style-type: none"> <li>• Take appropriate follow up action (phone calls, letters) to get certifications up to appropriate levels</li> </ul>
Return to Compliance Plans	<ul style="list-style-type: none"> <li>• Review all RTCs for adequacy</li> <li>• Do appropriate follow up (e.g. inspections, phone calls, enforcement actions commensurate with the violation)</li> </ul>
Targeted Inspections	<ul style="list-style-type: none"> <li>• Review certifications to identify problem facilities (e.g. internal inconsistencies, repeat problems, incomplete forms etc.)</li> <li>• Conduct inspections to verify certification</li> <li>• Conduct multi-media inspection pursuant to the Industrial Stormwater General Permit Initiative</li> <li>• Respond to complaints</li> </ul>
FFY 06-07 PLANNED COMPLIANCE ASSURANCE ACTIVITIES	<ul style="list-style-type: none"> <li>• Annual re-certification visits to Certified Marinas</li> <li>• Maintain marina contacts through emails, telephone calls, and facility visits</li> <li>• Contact marina operators to ensure Clean Marina Pledges are renewed and Clean Marina Status is actively being pursued</li> </ul>

Project Descriptors	Industrial Stormwater General Permit Compliance Initiative
<b>Project Summary</b>	A multi-media inspection initiative targeting facilities in the auto recycling, marina and construction sectors that have stormwater monitoring results indicating exceedances the discharge goals in the industrial stormwater general permit. For facilities where violations are confirmed, appropriate enforcement action will be taken.
<b>ENVIRONMENTAL FOOTPRINT</b>	
Approximate # facilities	The universe for this initiative is being determined based on the number of facilities registered for the general permit. Auto recyclers: 54, Marinas/boatyards: 59, construction related: 102
Typical facility characteristics	Small to large operations with most activities performed outdoors
Typical environmental sophistication	A wide range from very low to medium
Environmental concerns	Stormwater runoff causing sedimentation, erosion and discharge of pollutants that have an adverse impact upon water quality and aquatic habitat
Current Compliance Status	<ul style="list-style-type: none"> <li>Facilities have been targeted based on known non-compliance</li> </ul>
<b>VALID MEASUREMENT SYSTEM SUFFICIENT TO DRAW CONCLUSIONS ABOUT COMPLIANCE AND ENVIRONMENTAL PERFORMANCE OF THE SECTOR AS A WHOLE</b>	
Performance Measures	Compliance rates Environmental improvement
How performance measured	<ul style="list-style-type: none"> <li>Measure compliance rate of specific general permit requirements based on the inspection checklist</li> <li>Measure environmental improvement by reporting on reduction of exceedances of specific pollutants</li> </ul>
FFY 06-07 PLANNED MEASUREMENT ACTIVITIES	<ul style="list-style-type: none"> <li>Evaluate baseline monitoring data and compare to data obtained following inspection and enforcement component</li> <li>Number of inspections conducted</li> <li>Number of enforcement actions issued</li> </ul>
<b>COMPLIANCE ASSISTANCE SUFFICIENT TO ENABLE FACILITIES TO UNDERSTAND THEIR ENVIRONMENTAL RESPONSIBILITIES</b>	
Description of Sector Compliance Assistance Activities	<ul style="list-style-type: none"> <li>Compliance assistance has been provided to the Auto Recyclers and Marinas through recent Department compliance assistance initiatives.</li> </ul>
FFY 06-07 PLANNED COMPLIANCE ASSISTANCE ACTIVITIES	<ul style="list-style-type: none"> <li>Additional guidance materials will be provided at the time of inspection as needed.</li> </ul>

Project Descriptors	Industrial Stormwater General Permit Compliance Initiative
<b>COMPLIANCE ASSURANCE ACTIVITIES</b>	
Activities	<ul style="list-style-type: none"> <li>• Send request to violating facilities to submit the required Stormwater Pollution Prevention Plan</li> <li>• Conduct inspections</li> <li>• Respond to complaints</li> <li>• Take enforcement as appropriate</li> </ul>
FFY 06-07 PLANNED COMPLIANCE ASSURANCE ACTIVITIES	<ul style="list-style-type: none"> <li>• Review SWPPPs</li> <li>• Conduct 29 targeted inspections with a multi-media component</li> <li>• Review compliance histories to determine appropriate enforcement follow-up</li> <li>• Issue appropriate enforcement action- may include NOVs or COs</li> </ul>

Project Descriptors	RCRA and UST Compliance Indicator Survey Inspection Program
<b>Project Summary</b>	An expedited inspection initiative designed to increase the Department's field presence by using compliance indicator surveys to assess specific regulatory requirements that are indicators of overall compliance. The data collected will provide valuable information to assess rates of compliance and environmental results as well as assist in identifying areas to focus inspections and assistance in the future.
<b>ENVIRONMENTAL FOOTPRINT</b>	
Approximate # facilities	~1720 RCRA small quantity generators ~     xxx     USTs
Typical facility characteristics	For SQGs, generally small businesses For UST varies widely from small businesses to large corporations
Typical environmental sophistication	Low to medium
Environmental concerns	<ul style="list-style-type: none"> <li>• Mis-management or improper disposal of hazardous waste</li> <li>• Contamination resulting from leaking underground storage tanks</li> </ul>
Current Compliance Status	<ul style="list-style-type: none"> <li>• Wide range of compliance from very low to good</li> </ul>
<b>VALID MEASUREMENT SYSTEM SUFFICIENT TO DRAW CONCLUSIONS ABOUT COMPLIANCE AND ENVIRONMENTAL PERFORMANCE OF THE SECTOR AS A WHOLE</b>	
Performance Measures	<ul style="list-style-type: none"> <li>• Number of sites visited, compliance rates, enforcement actions taken, environmental improvements</li> </ul>
How performance measured	<ul style="list-style-type: none"> <li>• Compliance rates of specific regulatory requirements identified in site surveys</li> </ul>
FFY 06-07 PLANNED MEASUREMENT and REPORTING ACTIVITIES	<ul style="list-style-type: none"> <li>• A contractor has been hired through an EPA grant to assist in determining compliance rates for the surveys/inspections conducted</li> <li>• Assess environmental results</li> <li>• Assess areas of non-compliance to assist in targeting future inspection and assistance needs</li> <li>• # of enforcement actions taken</li> </ul>
<b>COMPLIANCE ASSURANCE ACTIVITIES</b>	
Compliance activities	<ul style="list-style-type: none"> <li>• Conduct on-site survey at randomly selected sites for RCRA SQGs and targeted sites for USTs</li> <li>• Provide appropriate guidance documents on-site or following the site visit</li> <li>• Take appropriate follow up action (phone calls, letters, enforcement action) to get compliance up to appropriate levels</li> </ul>
FFY 06-07 COMPLIANCE ASSURANCE and REPORTING ACTIVITIES	<ul style="list-style-type: none"> <li>• ___ Surveys to be conducted (estimate)</li> <li>• ___ Full or return inspections conducted</li> <li>• ___ Enforcement actions</li> </ul>



Project Descriptors	Compliance with Dental Office Best Management Practices (including installation of Amalgam Separator)
<b>ENVIRONMENTAL FOOTPRINT</b>	
Approximate # facilities	3100 licensed dentists in Connecticut
Typical facility characteristics	One or two licensed dentists per dental office
Typical environmental sophistication	Medium to high
Environmental concerns	<ul style="list-style-type: none"> <li>• Dental amalgam discharged into the waste stream (water and solid waste)</li> <li>• Management and disposal of dental amalgam through the installation and maintenance of amalgam separators</li> <li>• Proper handling and disposal (recycling) of mercury amalgam that is not discharged down the drain</li> </ul>
Current Compliance Status	<ul style="list-style-type: none"> <li>• Based on self-certification submittals, a compliance rate of approximately 67 % is expected.</li> <li>• Expect some level of non-compliance related to small percentage of practitioners that are unaware of the requirements.</li> </ul>
Environmental Equivalence of Sector Can be described in terms of waste quantities and / or compliance status as relevant	<ul style="list-style-type: none"> <li>• Determine compliance rate of dental offices with October 2003 Best Management Practices established by the department</li> <li>• Determine the number of exempt dentists/dental offices due to specific practices of the such dentist/dental office</li> <li>• Identify the number of separators installed.</li> </ul>
<b>VALID MEASUREMENT SYSTEM SUFFICIENT TO DRAW CONCLUSIONS ABOUT COMPLIANCE AND ENVIRONMENTAL PERFORMANCE OF THE SECTOR AS A WHOLE</b>	
Performance Measures	<ul style="list-style-type: none"> <li>• Baseline performance assessed through voluntary self-certification compliance form developed by department</li> <li>• Compliance rate improvement following second mailing for those dentist failing to respond to the initial mailing</li> <li>• Track results of inspections with self-certification compliance rates</li> </ul>
How performance measured	<p>Based on mailing to 3,100 licensed dentists</p> <ul style="list-style-type: none"> <li>• Number of self-certified dental offices in compliance with BMPs</li> <li>• Number of self-certified exempt or non-practicing licensed dentists</li> <li>• Number of dentists failing to respond (self-certify) to either of the department mailings</li> </ul>
FFY 06-07 PLANNED MEASUREMENT ACTIVITIES	<ul style="list-style-type: none"> <li>• Complete all scheduled mailings</li> <li>• Work with Radiation Unit staff to coordinate random inspections of non-certified dental offices</li> <li>• Review results of random inspections</li> </ul>

Project Descriptors	Compliance with Dental Office Best Management Practices (including installation of Amalgam Separator)
FFY 06-07 REPORT ON ACTUAL MEASURE-MENT ACTIVITIES	<ul style="list-style-type: none"> <li>• Number of mailings</li> <li>• Number of inspections</li> <li>• Results of inspections</li> <li>• Compliance rate of dental offices with regional goal of 50%</li> </ul>
<b>COMPLIANCE ASSISTANCE SUFFICIENT TO ENABLE FACILITIES TO UNDERSTAND THEIR ENVIRONMENTAL RESPONSIBILITIES</b>	
Description of Sector Compliance Assistance Activities	<ul style="list-style-type: none"> <li>• Up-grade best management practices</li> <li>• Work with Department of Public Health to maintain current list of licensed Connecticut dentists</li> <li>• Develop easy to complete forms for self-certification</li> <li>• Mail every licensed dentists copy of dental office BMPs</li> <li>• Review self-certification forms and enter information into data base</li> <li>• Revise BMPs based on September 2005 Declaratory Ruling on the use of amalgam in dental offices to include printing and distribution of "Mercury Amalgam and Other Filling Materials" brochure to be used in dental offices.</li> <li>• Work with Connecticut State Dental Association to get word out to other non-compliant dental offices prior to inspections</li> </ul>
FFY 06-07 PLANNED COMPLIANCE ASSISTANCE ACTIVITIES	<ul style="list-style-type: none"> <li>• Mail every licensed dentists copy of dental office BMPs including Mercury Amalgam brochure</li> <li>• Provide contact name and number for non-compliant dentists to contact regarding questions they may have about their operation</li> </ul>
FFY 06-07 REPORT ON ACTUAL COMPLIANCE ASSISTANCE ACTIVITIES	<ul style="list-style-type: none"> <li>• Number of letters mailed out by the department</li> <li>• Number of dentists in compliance with BMPs (based on receipt of self-certification forms)</li> <li>• Number of non-compliant dental offices contacted and/or inspected</li> </ul>
<b>COMPLIANCE ASSURANCE ACTIVITIES</b>	
Targeted Inspections	<ul style="list-style-type: none"> <li>• 100 to 150 during the first year</li> <li>• 150 to 200 inspections each successive year in effort to achieve high level of compliance with BMPs</li> </ul>
FFY 06-07 PLANNED COMPLIANCE ASSURANCE ACTIVITIES	<ul style="list-style-type: none"> <li>• Establish protocol for random inspections of non-certified dental offices through inspection efforts of Radiation Unit</li> <li>• Train Radiation Unit staff on what to look for during inspections</li> <li>• Limit spot inspections to non-compliant or non-reporting dental offices during 1st year</li> </ul>
FFY 06-07 REPORT ON ACTUAL COMPLIANCE ASSURANCE ACTIVITIES	<ul style="list-style-type: none"> <li>• Report on number of inspections and outcome of such inspections</li> <li>• Increase in rate of compliance based on current round of inspections</li> </ul>

Project Descriptors	Certification of phase-out of mercury-added products containing greater than 1000 mg or 250 ppm of mercury
<b>ENVIRONMENTAL FOOTPRINT</b>	
Approximate # facilities	Number of facilities to be determined through examination of IMERC Notification database
Typical facility characteristics	Employment levels differ from one facility to the next
Typical environmental sophistication	Medium to high
Environmental concerns	<ul style="list-style-type: none"> <li>• Mercury discharged into the environment through disposal and breakage of mercury-added components</li> <li>• Proper disposal and/or recycling of spent mercury-added products or components</li> <li>• Compliance with the Mercury Reduction and Education Act</li> </ul>
Current Compliance Status	<ul style="list-style-type: none"> <li>• Wide range of compliance</li> </ul>
Environmental Equivalence of Sector Can be described in terms of waste quantities and / or compliance status as relevant	<ul style="list-style-type: none"> <li>• ≈ ____ of switch/relay manufacturers</li> <li>• ≈ ____ of mercury sensor valves</li> <li>• ≈ ____ of chemical processing facilities</li> </ul>
<b>VALID MEASUREMENT SYSTEM SUFFICIENT TO DRAW CONCLUSIONS ABOUT COMPLIANCE AND ENVIRONMENTAL PERFORMANCE OF THE SECTOR AS A WHOLE</b>	
Performance Measures	<ul style="list-style-type: none"> <li>• Percentage of Notifiers that are in compliance with current phase-out requirements for sales or distribution of mercury-added products (&gt; 1000 mg or 250 ppm)</li> <li>• Percentage improvement in certification of compliance</li> </ul>
How performance measured	<ul style="list-style-type: none"> <li>• Baseline performance currently being assessed through written communication with each company subject to product phase-out (based on Notification database developed by IMERC)</li> <li>• Follow-up with identified companies failing to certify compliance with phase-out requirements</li> <li>• Establish appropriate enforcement response (progressive actions starting with reporting non-compliant manufacturers in attempt to bring them into compliance with statutes)</li> </ul>
FFY 06-07 PLANNED MEASUREMENT ACTIVITIES	<ul style="list-style-type: none"> <li>• Send letters to all manufacturers listed in IMERC database making products that contain more than 1000 mg or 250 ppm of mercury</li> <li>• Solicit written response from all applicable manufacturers</li> <li>• Draft and distribute follow-up letter to non-responsive manufacturers</li> <li>• Develop follow-up enforcement response for non-responsive manufacturers and non-compliant manufacturers</li> </ul>

<b>Project Descriptors</b>	<b>Certification of phase-out of mercury-added products containing greater than 1000 mg or 250 ppm of mercury</b>
FFY 06-07 REPORT ON ACTUAL MEASURE-MENT ACTIVITIES	<ul style="list-style-type: none"> <li>• Report compliance rate of impacted manufacturers</li> <li>• Report enforcement activity</li> </ul>
<b>COMPLIANCE ASSISTANCE SUFFICIENT TO ENABLE FACILITIES TO UNDERSTAND THEIR ENVIRONMENTAL RESPONSIBILITIES</b>	
Description of Sector Compliance Assistance Activities	<ul style="list-style-type: none"> <li>• Phase-out alert notices sent to manufacturers through IMERC</li> <li>• Initial letter to identify statutory compliance issue</li> <li>• Provide contact name and telephone number for manufacturers requiring compliance assistance</li> <li>• Provide guidance on meeting statutory obligations</li> <li>• Continue to work with IMERC to get word out to manufacturers</li> </ul>
FFY 06-07 PLANNED COMPLIANCE ASSISTANCE ACTIVITIES	<ul style="list-style-type: none"> <li>• Assist manufacturers resolve any statutory non-compliance issues that continue to exist</li> <li>• Provide fact sheets which detail statutory compliance requirements</li> </ul>
FFY 06-07 REPORT ON ACTUAL COMPLIANCE ASSISTANCE ACTIVITIES	<ul style="list-style-type: none"> <li>• Number of manufacturers the department provided compliance assistance to</li> <li>• Number of manufacturers achieving compliance with statutory requirements after receiving compliance assistance</li> <li>• Number of manufacturers still in non-compliance after receiving compliance assistance</li> </ul>
<b>COMPLIANCE ASSURANCE ACTIVITIES</b>	
Targeted Inspections	<ul style="list-style-type: none"> <li>• Develop protocol for “target inspections” of stores, internet sites, etc. to assist with compliance efforts</li> </ul>

Project Descriptors	Certification of phase-out of mercury-added products containing greater than 100 mg or 50 ppm of mercury
<b>ENVIRONMENTAL FOOTPRINT</b>	
Approximate # facilities	Number of impacted facilities to be determined through examination of IMERC Notification database
Typical facility characteristics	Employment levels differ from one facility to the next
Typical environmental sophistication	Medium to high
Environmental concerns	<ul style="list-style-type: none"> <li>• Mercury discharged into the environment through disposal and breakage of mercury-added components</li> <li>• Proper disposal and/or recycling of spent mercury-added products or components</li> <li>• Compliance with the Mercury Reduction and Education Act</li> <li>• Re-engineering of products to remove mercury</li> </ul>
Current Compliance Status	<ul style="list-style-type: none"> <li>• Wide range of compliance</li> </ul>
Environmental Equivalence of Sector Can be described in terms of waste quantities and / or compliance status as relevant	<ul style="list-style-type: none"> <li>• ≈ ____ of switch/relay manufacturers</li> <li>• ≈ ____ of mercury sensor valves</li> <li>• ≈ ____ of chemical processing facilities</li> <li>• ≈ ____ of other manufacturers of mercury-added products</li> </ul>
<b>VALID MEASUREMENT SYSTEM SUFFICIENT TO DRAW CONCLUSIONS ABOUT COMPLIANCE AND ENVIRONMENTAL PERFORMANCE OF THE SECTOR AS A WHOLE</b>	
Performance Measures	<ul style="list-style-type: none"> <li>• Establish baseline information on manufacturer and its product(s)</li> <li>• Percentage of Notifiers that are in compliance with scheduled 7/1/06 phase-out requirements for sales or distribution of mercury-added products (&gt; 100 mg or 50 ppm)</li> <li>• Percentage improvement in certification of compliance</li> </ul>
How performance measured	<ul style="list-style-type: none"> <li>• Baseline performance to be assessed through written communication with each company subject to 7/1/06 product phase-out (based on Notification database developed by IMERC)</li> <li>• Provide preliminary information to companies about 7/1/06 phase-out date and their obligations under the law</li> </ul>
FFY 06-07 PLANNED MEASUREMENT ACTIVITIES	<ul style="list-style-type: none"> <li>• Send letters to all manufacturers listed in IMERC database making products that contain more than 100 mg and less than or equal to 1000 mg or more than 50 ppm and not less than or equal to 250 ppm of mercury</li> <li>• Advise manufacturers of their statutory obligations</li> <li>• Draft and distribute follow-up letter to manufacturers for distribution after the 7/1/06 effective date</li> </ul>

Project Descriptors	Certification of phase-out of mercury-added products containing greater than 100 mg or 50 ppm of mercury
FFY 06-07 REPORT ON ACTUAL MEASURE-MENT ACTIVITIES	<ul style="list-style-type: none"> <li>• Report number of contacts with identified manufacturers</li> <li>• Report number of follow-up actions prior to 7/1/06 effective date of new phase-out limits</li> <li>• Report number of manufacturers in compliance with 7/1/06 phase-out requirements prior to effective date</li> <li>• Report number of letters sent to manufacturers requesting written response on compliance with 7/1/06 phase-out date</li> </ul>
<b>COMPLIANCE ASSISTANCE SUFFICIENT TO ENABLE FACILITIES TO UNDERSTAND THEIR ENVIRONMENTAL RESPONSIBILITIES</b>	
Description of Sector Compliance Assistance Activities	<ul style="list-style-type: none"> <li>• Initial letter to identify statutory compliance requirements</li> <li>• Provide contact name and telephone number for manufacturers requiring compliance assistance</li> <li>• Provide guidance on meeting statutory obligations</li> <li>• Provide notice to manufacturers through other media sources including IMERC Alerts to provide awareness of statutory obligations</li> </ul>
FFY 06-07 PLANNED COMPLIANCE ASSISTANCE ACTIVITIES	<ul style="list-style-type: none"> <li>• Assist manufacturers resolve any statutory non-compliance issues that continue to exist</li> <li>• Provide fact sheets which detail statutory compliance requirements</li> <li>• Advise manufacturers of statutory obligations 6 to 9 months before new phase-out date of 7/1/06</li> <li>• Review applicable exemption requests</li> </ul>
FFY 06-07 REPORT ON ACTUAL COMPLIANCE ASSISTANCE ACTIVITIES	<ul style="list-style-type: none"> <li>• Number of manufacturers the department provided compliance assistance to</li> <li>• Number of different outreach initiatives</li> <li>• Number of manufacturers achieving compliance with statutory requirements after receiving compliance assistance</li> <li>• Number of manufacturers needing compliance assistance after 7/1/06 phase-out date</li> </ul>
<b>COMPLIANCE ASSURANCE ACTIVITIES</b>	
Targeted Inspections	<ul style="list-style-type: none"> <li>• Develop protocol for “target inspections” of stores, internet sites, etc. to assist with compliance efforts (post 7/1/06)</li> <li>• Spot check store and web sites for compliance</li> </ul>
FFY 06-07 PLANNED COMPLIANCE ASSURANCE ACTIVITIES	<ul style="list-style-type: none"> <li>• Distribute follow-up letter to non-compliant manufacturers</li> <li>• Assess resources and coordinate inspection activities against non-compliant manufacturers</li> </ul>
FFY 06-07 REPORT ON ACTUAL COMPLIANCE ASSURANCE ACTIVITIES	<ul style="list-style-type: none"> <li>• Report on the number of targeted inspections conducted and provide information of results of investigation</li> </ul>

Project Descriptors	Dry Cleaners
Project Summary	Provide assistance to dry cleaners through development of a guidance manual and sponsoring workshops.
<b>ENVIRONMENTAL FOOTPRINT</b>	
Approximate # facilities	≈Unknown
Typical facility characteristics	Under ten employees, owner operated. Large association of Korean-American family owned and operated and some non-English speaking
Typical environmental sophistication	Low
Environmental concerns	<ul style="list-style-type: none"> <li>• Compliance with MACT standards</li> <li>• Hazardous waste management</li> <li>• Perchloroethylene Air emissions</li> <li>• Illegal discharge of perc to groundwater, septic, sewer or surface</li> <li>• Close proximity to neighborhoods</li> <li>• Environmentally preferable purchasing</li> </ul>
Current Compliance Status	<ul style="list-style-type: none"> <li>• Wide range of compliance from very low to good</li> </ul>
<b>VALID MEASUREMENT SYSTEM SUFFICIENT TO DRAW CONCLUSIONS ABOUT COMPLIANCE AND ENVIRONMENTAL PERFORMANCE OF THE SECTOR AS A WHOLE</b>	
Performance Measures	<ul style="list-style-type: none"> <li>• % change in behavior from before and after workshop</li> </ul>
How performance measured	<ul style="list-style-type: none"> <li>• Baseline performance assessed through pre-workshop questionnaire (workshop held Sept. 2004 for Korean-American Dry Cleaning Association members)</li> <li>• Follow-up questionnaire sent to workshop attendees</li> <li>• Before and after data will be analyzed for compliance assistance and pollution prevention and waste reduction measure initiated</li> </ul>
<b>COMPLIANCE ASSISTANCE SUFFICIENT TO ENABLE FACILITIES TO UNDERSTAND THEIR ENVIRONMENTAL RESPONSIBILITIES</b>	
Description of Sector Compliance Assistance Activities	<ul style="list-style-type: none"> <li>• Updates to web site as new or updated information becomes available</li> <li>• Follow-up with workshop attendees and Korean American Dry Cleaners Association as requested</li> <li>• Work with Dept. of Economic Development (re: remediation funding) as needed</li> </ul>

Project Descriptors	Vehicle Services Industries
<b>Project Summary</b>	Provide compliance assistance by development of fact sheets, conducting workshops and coordinating with Department of Motor Vehicles.
<b>ENVIRONMENTAL FOOTPRINT</b>	
Approximate # facilities	≈4500 licensed facilities, not including businesses that do quick oil changes
Typical facility characteristics	Under ten employees, owner operated
Typical environmental sophistication	Low
Environmental concerns	<ul style="list-style-type: none"> <li>• Vehicle fluids management</li> <li>• Hazardous waste management</li> <li>• Stormwater management</li> <li>• Air quality issues for auto body shops</li> <li>• Environmentally preferable purchasing and source reduction</li> </ul>
Current Compliance Status	<ul style="list-style-type: none"> <li>• Very low</li> </ul>
<b>VALID MEASUREMENT SYSTEM SUFFICIENT TO DRAW CONCLUSIONS ABOUT COMPLIANCE AND ENVIRONMENTAL PERFORMANCE OF THE SECTOR AS A WHOLE</b>	
Performance Measures	<ul style="list-style-type: none"> <li>• Amount of compliance assistance provided</li> </ul>
How performance measured	<ul style="list-style-type: none"> <li>• Track how many Pits Stops are distributed, calls responded to and programs presented by the P2 Office</li> <li>• Number of attendees at workshops</li> <li>• Enter and summarize environmental checklist data from DMV inspections into a database. Refer potential violations to appropriate areas within the DEP. Analyze data.</li> </ul>
<b>COMPLIANCE ASSISTANCE SUFFICIENT TO ENABLE FACILITIES TO UNDERSTAND THEIR ENVIRONMENTAL RESPONSIBILITIES</b>	
Description of Sector Compliance Assistance Activities	<ul style="list-style-type: none"> <li>• Update Pit Stops on P2 website as regulations and P2 information changes</li> <li>• Work with Towing and Recovery Association of CT to distribute Pit Stops</li> <li>• Work with DMV to distribute Pit Stops as part of their inspections</li> </ul>
FFY 06-07 PLANNED COMPLIANCE ASSISTANCE ACTIVITIES	<ul style="list-style-type: none"> <li>• Continue to provide technical assistance to vehicle repair industries by distributing Pits Stops guidance manuals, responding to calls for assistance and presenting programs on request.</li> <li>• Continue the partnership with the Department of Motor Vehicles (DMV) to provide P2 and environmental compliance information, self-audit checklists and the Pit Stops guidance manuals to approximately 600 facilities that they inspect per year</li> <li>• Continue the partnership with the Towing and Recovery Professionals of CT to provide Pit Stops information and train in use of environmental self-audit for their members</li> </ul>



Project Descriptors	Schools
<b>Project Summary</b>	Provide outreach through the High Performance Schools Initiative with the CT Green Building Council. Co-sponsor trainings focusing on building or renovating high performance schools, thereby improving environmental compliance and P2
<b>ENVIRONMENTAL FOOTPRINT</b>	
Approximate # facilities	1000
Typical facility characteristics	Small to large institutions - varying number of classrooms and uses
Typical environmental sophistication	Low
Environmental concerns	<ul style="list-style-type: none"> <li>• Energy and water usage</li> <li>• Solid waste and recycling</li> <li>• Air emissions, air quality</li> <li>• Environmentally Preferable Purchasing and source reduction</li> </ul>
Current Compliance Status	<ul style="list-style-type: none"> <li>• Wide range from low to very good</li> </ul>
<b>VALID MEASUREMENT SYSTEM SUFFICIENT TO DRAW CONCLUSIONS ABOUT COMPLIANCE AND ENVIRONMENTAL PERFORMANCE OF THE SECTOR AS A WHOLE</b>	
Performance Measures	<ul style="list-style-type: none"> <li>• Number of attendees at workshops</li> <li>• Behavior change</li> </ul>
How performance measured	<ul style="list-style-type: none"> <li>• Develop metrics to measure success of workshops, including:               <ol style="list-style-type: none"> <li>(1) Number of attendees and schools represented</li> <li>(2) Attendee evaluations of the workshops</li> <li>(3) Number of schools that took an action as result of attending the workshop</li> <li>(4) If available from schools, specific amounts of hazardous waste or solid waste reduced and recycled resulting from action taken</li> </ol> </li> </ul>
<b>COMPLIANCE ASSISTANCE SUFFICIENT TO ENABLE FACILITIES TO UNDERSTAND THEIR ENVIRONMENTAL RESPONSIBILITIES</b>	
Description of Sector Compliance Assistance Activities	<ul style="list-style-type: none"> <li>• Update P2 Website with workshop materials</li> <li>• Work with CTGBC and other organizations to continue education</li> </ul>

Project Descriptors	Hospitals
<b>Project Summary</b>	Formation of the Connecticut Hospital Environmental Round Table that includes CT DEP, Hartford Hospital, and Hospitals for a Healthy Environment (H2E). The round table provides a setting for hospitals to learn from each other by sharing ideas, presenting success stories, keeping up-to-date on available resources, and discussing issues that affect the health care industry. Quarterly meetings are held where the DEP's role is to assist hospitals in identifying waste reduction and pollution prevention opportunities.
<b>ENVIRONMENTAL FOOTPRINT</b>	
Approximate # facilities	32 Acute Care
Typical facility characteristics	Small to large institutions having a range of 52-829 beds
Typical environmental sophistication	Medium
Environmental concerns	<ul style="list-style-type: none"> <li>• Hazardous Waste, including pharmaceutical wastes</li> <li>• Biomedical waste</li> <li>• Energy and water usage</li> <li>• Construction and demolition</li> <li>• Solid waste and recycling</li> <li>• Air emissions, air quality</li> <li>• Environmentally Preferable Purchasing and source reduction</li> </ul>
Current Compliance Status	<ul style="list-style-type: none"> <li>• Wide range from low to very good</li> </ul>
<b>VALID MEASUREMENT SYSTEM SUFFICIENT TO DRAW CONCLUSIONS ABOUT COMPLIANCE AND ENVIRONMENTAL PERFORMANCE OF THE SECTOR AS A WHOLE</b>	
Performance Measures	<ul style="list-style-type: none"> <li>• Number of attendees and hospitals represented</li> </ul>
How performance measured	<ul style="list-style-type: none"> <li>• Develop metrics to measure success of workshops, including:               <ol style="list-style-type: none"> <li>(1) Attendee evaluations of the workshops</li> <li>(2) Number of hospital that took an action as result of attending the workshop</li> <li>(3) If available from hospitals, specific amounts of hazardous waste or solid waste reduced and recycled resulting from action taken</li> </ol> </li> <li>• Number of hospitals signed on to Hospitals for a Health Environment (H2E)</li> </ul>
<b>COMPLIANCE ASSISTANCE SUFFICIENT TO ENABLE FACILITIES TO UNDERSTAND THEIR ENVIRONMENTAL RESPONSIBILITIES</b>	
Description of Sector Compliance Assistance Activities	<ul style="list-style-type: none"> <li>• Update P2 Website with workshop materials</li> <li>• Work with H2E, CT Hospital Association and other health care organizations</li> </ul>
<b>CURRENT FEDERAL FISCAL YEAR PLANNED COMPLIANCE ASSISTANCE ACTIVITIES</b>	<ul style="list-style-type: none"> <li>• Continue to provide outreach through Connecticut Hospital Environmental Roundtable (CHER) and Hospitals For a Healthy Environment (H2E). Co-sponsor two CHER meetings focusing on environmental compliance and P2</li> </ul>

Project Descriptors	Organic Land Care
<b>Project Summary</b>	The CTDEP will partner with the Connecticut Northeast Organic Farmers Association (CT NOFA) and others to promote awareness of organic land care practices and their environmental benefits. DEP will use NOFA <u>Organic Land Care Standards</u> and their accreditation program for land care professionals to help increase awareness of alternative land care methods. (This project will help to implement Recommendation #36: "Reduce Use of Non-Farm Fertilizer" in the <i>Connecticut Climate Change Action Plan 2005</i> .)
<b>ENVIRONMENTAL FOOTPRINT</b>	
Approximate # facilities	≈Athletic and recreational fields in CT 169 municipalities managed by local authority
Typical environmental sophistication	Medium
Environmental concerns	<ul style="list-style-type: none"> <li>• Reducing chemicals of concern</li> <li>• Greenhouse gases</li> <li>• Water pollution</li> <li>• Water use</li> <li>• Air emissions from lawn mowing.</li> <li>• Environmentally preferable purchasing and source reduction</li> </ul>
Current Compliance Status	<ul style="list-style-type: none"> <li>• Unknown</li> </ul>
<b>VALID MEASUREMENT SYSTEM SUFFICIENT TO DRAW CONCLUSIONS ABOUT COMPLIANCE AND ENVIRONMENTAL PERFORMANCE OF THE SECTOR AS A WHOLE</b>	
Performance Measures	<ul style="list-style-type: none"> <li>• Identify a municipality interested in doing a pilot project to demonstrate alternative/organic land care methods on a school or municipal recreation field and measure the performance.</li> </ul>
How performance measured	<ul style="list-style-type: none"> <li>• Calculate reductions in the pilot town for amount of chemicals of concern used and reduction of greenhouse gas emissions from chemical fertilizers</li> <li>• Tabulate results of participant's evaluations of model presentation(s).</li> <li>• Develop follow-up survey about actions taken by attendees of the model presentation(s)</li> </ul>
<b>COMPLIANCE ASSISTANCE SUFFICIENT TO ENABLE FACILITIES TO UNDERSTAND THEIR ENVIRONMENTAL RESPONSIBILITIES</b>	
Description of Sector Compliance Assistance Activities	<ul style="list-style-type: none"> <li>• Develop a model presentation to increase the awareness of municipal officials and the general public about organic/alternative land care practices and their benefits. Disseminate the model to interested land care organizations for use in presentations to school and municipal officials as well as the general public.</li> <li>• Provide assistance to participating pilot town</li> <li>• Add model presentation to DEP P2 website and links to Organic Land Care web sites</li> </ul>

Project Descriptors	Greening DEP
<b>ENVIRONMENTAL FOOTPRINT</b>	
Approximate # facilities	<ol style="list-style-type: none"> <li>Headquarters at 79 Elm</li> <li>Other facilities including land and buildings, maintenance operations</li> </ol>
Typical facility characteristics	Offices; visitor centers; forest and park land; maintenance operations such as for boats, vehicles
Typical environmental sophistication	Medium to high
Environmental concerns	<ul style="list-style-type: none"> <li>Reducing waste/Increasing recycling</li> <li>Reducing chemicals of concern</li> <li>Environmentally preferable purchasing and source reduction</li> <li>Reducing Water pollution</li> <li>Water Conservation</li> <li>Reducing Indoor and Outdoor Air emissions</li> <li>Energy conservation and energy efficiency</li> <li>Purchasing Clean Energy for 79 Elm Street</li> </ul>
Current Compliance Status	<ul style="list-style-type: none"> <li>Not applicable</li> </ul>
<b>VALID MEASUREMENT SYSTEM SUFFICIENT TO DRAW CONCLUSIONS ABOUT COMPLIANCE AND ENVIRONMENTAL PERFORMANCE OF THE SECTOR AS A WHOLE</b>	
Performance Measures	<ul style="list-style-type: none"> <li>Reduce copy paper used in agency</li> <li>Reduce printer paper used in agency</li> <li>Purchase recycled-content products for agency</li> <li>Purchase/use EP, low-toxic products for agency</li> <li>Amount of Clean Energy purchased annually and reduction in greenhouse gas emissions</li> </ul>
How performance measured	<ul style="list-style-type: none"> <li>Reduction in paper purchased by 79 Elm (year 1)</li> <li>Protocol for improving EPP by purchasing staff at 79 Elm (year 1)</li> <li>Inventory of other source reduction opportunities (on-going)</li> <li>Monitoring of other environmental practices for improvement opportunities, e.g. pesticide use by contractor (On-going)</li> <li>Billing documents provide data on amount purchased - use conversions to greenhouse gas reductions</li> </ul>